

HOUSE BILL 374
By Harwell

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 1; Title 49, Chapter 2 and Title 49,
Chapter 6, relative to sexual violence awareness
and prevention curriculum.

WHEREAS, high school students are at risk of becoming victims of sexual violence,
including date or acquaintance rape and, if minors, statutory rape; and

WHEREAS, Tennessee high school students need to be made aware of the dangers of
date or acquaintance rape and of statutory rape; and

WHEREAS, Tennessee high school students need to be aware that certain drugs are
used to facilitate date or acquaintance rape, and need to be aware of the dangers of these
drugs; and

WHEREAS, Tennessee high school students need to be aware of situations and
circumstances that may increase susceptibility to victimization from sexual violence and
particularly to date or acquaintance rape; and

WHEREAS, Tennessee high school students need tools and resources to prevent or
avoid becoming victims of sexual crimes; and

WHEREAS, Tennessee high school students need to be aware of and understand the
need for prompt reporting of rape and other sexual crimes and preservation of evidence of rape
and other sexual crimes; and

WHEREAS, Tennessee high school students need to be aware of the types of support
and aid and other resources available to victims of sexual violence from such organizations and
persons as rape crisis centers, youth advocacy organizations, medical practitioners, local law
enforcement agencies, and the district attorney general; and

WHEREAS, Tennessee high schools students need to be aware of and understand the penalties for rape and statutory rape and other sexual crimes and long-term consequences for conviction of sexual crimes; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-302(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Develop high school curriculum guidelines for sexual violence awareness and prevention instruction. Such guidelines shall be developed prior to the 2006-2007 school year to enable LEAs to devise, adopt and implement local sexual violence awareness and prevention programs within such guidelines pursuant to Section 5 of this act.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 49-1-2__.

(a) The department of education shall develop a program of technical support and assistance for LEAs that implement sexual violence awareness and prevention education for high school students in conformity with guidelines for such education established by the state board of education.

(b) Such program of technical support and assistance shall include: suggested methods for maintaining a high level of parental and community support for sexual violence awareness and prevention education; workshops, seminars, or other training opportunities for sexual violence awareness and prevention instructors; assistance in selecting appropriate written materials and other resources most suitable for the special needs of the community that the LEA serves; recommended mechanisms for effectively

monitoring and evaluating sexual violence awareness and prevention programs; and other similar services to assist the LEA.

(c) The program of technical support and assistance developed pursuant to this section shall be provided upon request of an LEA.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding Sections 4 through 9 of this act as a new, appropriately designated part.

SECTION 4. As used in this part, unless the context otherwise requires:

(1) "Acquaintance rape" means rape by a non-stranger and includes rape by a friend, acquaintance, neighbor, fellow student, teacher or other school personnel, or co-worker;

(2) "Date rape" means rape by someone the victim has been or is dating; and

(3) "Statutory rape" means rape as defined in § 39-13-506.

SECTION 5.

(a) Each LEA shall locally devise, adopt and implement a sexual violence awareness and prevention program for high school students to increase students' awareness of sexual violence, including, but not limited to date and acquaintance rape and statutory rape, methods to avoid becoming victims of sexual violence, resources and support available to victims of sexual violence and the need to prosecute sexual crimes. Such program shall be a component of the lifetime wellness curriculum offered by the LEA. The program shall expressly include instruction to provide information concerning and to achieve understanding of:

(1) What sexual violence is and specifically what date rape, acquaintance rape, and statutory rape are and the dangers of sexual violence;

(2) Methods and means of avoiding and preventing victimization from sexual violence, including avoidance of situations that may possibly lead to date

or acquaintance rape such as ingestion of alcohol or drugs or accompanying dates or acquaintances to secluded places;

(3) The use of drugs to facilitate date or acquaintance rape and the dangers of these drugs;

(4) The need for prompt medical attention and medical evaluation of victims of sexual violence;

(5) The nature and prevention of AIDS and other sexually transmitted diseases;

(6) The need to preserve forensic evidence of sexual violence and specifically what victims should and should not do after being sexually assaulted;

(7) The need for prompt reporting of sexual violence by victims and by others who are aware of the occurrence of sexual violence;

(8) The authorities to whom sexual violence should be reported including, but not limited to, identification of and telephone numbers for local law enforcement personnel to whom sexual crimes should be reported;

(9) Persons, including school personnel, and organizations that provide support and resources for victims of sexual violence; and

(10) The penalties and long-term consequences resulting from conviction for sexual crimes including, but not limited to, rape and statutory rape.

(b) In developing such program, an LEA is encouraged to consult with and enlist the expertise of persons and organizations in its community such as rape crisis centers, abstinence education organizations, youth advocacy organizations, medical practitioners, local law enforcement agencies, and the district attorney general.

(c) The LEA shall prescribe procedures to provide for the periodic review and evaluation of its sexual violence awareness and prevention program and to provide for

periodic public hearings and parental conferences to ensure a high level of community and parental input and support for the sexual violence awareness and prevention program.

SECTION 6.

(a) The locally devised and adopted sexual violence awareness and prevention program shall be implemented during the fall semester 2007. If any LEA fails to implement a locally devised and adopted sexual violence awareness and prevention program in conformance with curriculum guidelines established for such programs by the state board of education, then the LEA shall implement the plan of sexual violence awareness and prevention instruction developed by the state board pursuant to Section 7 of this act and shall fully participate in the program of technical support and assistance established pursuant to the provisions of Section 2 of this act.

(b) Notwithstanding any provisions of law to the contrary, failure to implement a locally devised and adopted sexual violence awareness and prevention program by the fall semester 2007 shall subject the LEA to a withholding of state funds by the commissioner of education.

SECTION 7.

(a) Prior to the 2007-2008 school year, the state board of education shall develop a complete plan of sexual violence awareness and prevention instruction suitable for implementation by any LEA that fails to devise, adopt and implement a local sexual violence awareness and prevention program pursuant to Section 5 of this act.

(b) The plan developed under subsection (a) shall include all procedures and policies necessary for local implementation, administration, evaluation and supervision of a sexual violence awareness and prevention program. The plan shall require the LEA to undertake appropriate and adequate measures to encourage and maintain the highest

level of parental and community support for a sexual violence awareness and prevention program. The plan shall include procedures and policies whereby the LEA may use the services of qualified health care professionals, law enforcement authorities, the district attorney general, and other qualified professionals to assist with instruction in its sexual violence awareness and prevention program; however, the plan shall preclude any individual from serving as a sexual violence awareness and prevention instructor unless such individual is found by the LEA to be upright of character and of good public standing.

(c) Prior to implementing the complete plan of sexual violence awareness and prevention instruction developed by the state board of education, an LEA shall conduct at least one (1) public hearing, at which time the plan shall be explained and at which time members of the public shall have the opportunity to speak and express their opinions and concerns. Additionally, the plan shall require the LEA to periodically conduct thereafter, but not less frequently than once each September, public meetings for parents to confer with sexual violence awareness and prevention instructors, to review course materials and course content, and to offer comments and suggestions. Furthermore, after implementation of the plan, upon request of the LEA or upon petition by fifty (50) or more parents or guardians of children enrolled within the LEA, the department of education shall audit the LEA for the purpose of evaluating the quality and effectiveness of the plan of sexual violence awareness and prevention instruction, as administered by the LEA, and for the purpose of recommending methods whereby the LEA may improve such quality and effectiveness and foster a higher level of parental and community support for sexual violence awareness and prevention instruction.

SECTION 8.

(a) Any program or plan devised, adopted and implemented under this part shall be conducted in language appropriate to the age and grade level of the students to whom instruction is given.

(b) Any program or plan devised, adopted and implemented under this part may provide for separate instruction for male and female students.

SECTION 9.

(a) Upon receipt of a written statement from a student's parent or guardian to the effect that the parent or guardian has personally examined the appropriate grade level or gender instructional materials or has conferred directly with the student's sexual violence awareness and prevention instructor, school counselor or principal and that the parent or guardian finds objectionable any or all portions of the sexual violence awareness and prevention instruction, the student shall be excused from such portion or portions of the sexual violence awareness and prevention program.

(b) A parent or guardian who wishes to excuse a student from all portions of sexual violence awareness and prevention instruction shall submit such request in writing to the student's principal, director of schools and board of education. A student who is excused from all portions of sexual violence awareness and prevention instruction shall not be penalized for grading purposes if such student performs alternative health or social studies lessons specifically assigned by the board, and if such student performs the alternative lessons in a timely and satisfactory manner.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.